

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 15, 21 and 23 are currently being amended.

Claims 27-34 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 15-34 are now pending in this application.

In the Final Official Action dated October 20, 2005, the Examiner rejected claims 15-22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,201,797, issued to Leuca. Claims 23 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Leuca reference in view of U.S. Patent No. 6,801,934, issued to Eranko. With regard to the rejections under 35 U.S.C. §103(a), the Examiner has asserted that it would have been obvious to incorporate the concept of generating revenue for service into the system described in the Eranko reference.

In response to the Examiner's rejections, Applicant has amended claims 15 and 21 to more particularly delineate the patentability of the pending claims over the prior art. In particular, claim 15 has been amended to describe how the third wireless interface is used to enable access to remote content unless the third wireless interface is unable to make a connection to remote servers, in which case the second wireless interface is used. Claim 21 has been amended to be dependent upon new claim 27, which is directed to a method of providing content including features similar to those described in claim 15. Applicant respectfully submits that these claims are all patentable over the Leuca and Eranko references.

Amended claim 15 describes a server having first, second and third wireless interfaces, with the first wireless interface providing a connection for local user terminals to the server. If access to a remote server is requested, the server first attempts to connect to the remote server via the third wireless interface. If the third wireless interface cannot establish a connection with the remote server, the server then attempts to connect to the remote server via the second wireless interface. This process is described in detail, for example, at page 7, line 23-page 8, line 20 of the specification. As is discussed in this section, the system described in amended claim 20 provides for significant advantages over conventional systems, as the system provides for an automatic “backup” mechanism for maintaining Internet access when a first desired interface is unable to establish a connection.

The Leuca et al. reference does not disclose or suggest such a system. Instead, the Leuca et al. reference describes a system with multiple interfaces, each of which is designated for only performing a specific task. In particular, the NATS interface circuit in the Leuca et al. reference is only intended to be used as an uplink data pipe, while DBS decoder interface circuit is intended to be used for downlink purposes (See column 5, lines 4-47). However, there is no teaching or suggestion of switching between interfaces when a desired interface is available. In fact, the Leuca et al. reference specifically teaches away from such a system, as it clearly states that a NATS system is “insufficient” for carrying data requested by a user terminal (column 5, lines 11-13). Therefore, one skilled in the art would be motivated to switch to a second, NATS interface when a faster, DBS-type interface is not available. Although other interfaces may be discussed in the Leuca et al reference, the Leuca et al. reference does not discuss switching between such interfaces if a particular interface is unable to establish a connection with an external network and/or a remote server.

For the above reasons, Applicant submits that the Leuca et al. reference does not teach all of the features of amended claim 15. Applicant therefore submits that the Examiner’s rejection of claim 15 and its respective dependent claims under 35 U.S.C. §102(e) is overcome.

As discussed above, Applicant has added new independent claim 27, which is directed to a method for providing content in which a second wireless interface is used if a third

wireless interface is unable to establish a connection with a remote server, while also making other amendments to the claim to correct potential antecedent basis issues. For the reasons discussed above, Applicant submits that this claim and its respective dependent claims are patentable over the Leuca et al reference, as this reference does not teach or suggest attempting to connect to a remote server via a second wireless interface if a third wireless interface is unable to establish a connection. Because claim 21 has been amended to be dependent upon new claim 27, Applicant submits that this claim and its respective dependent claims are patentable over the Leuca et al reference as well.¹

With regard to claims 23 and 24, the Examiner has asserted it would have been obvious to incorporate the feature of generating revenue for service into the system described in the Leuca reference. Without taking a position regarding this proposition, Applicant submits that each of these claims is patentable over the prior art for the same reasons discussed above due to their ultimate dependency upon new claim 27.

In addition to the above, Applicant has also added new dependent claims 28-34, which are directed to features such as the first wireless interface comprising a Bluetooth interface (claims 30 and 32); the second wireless interface comprising a WCDMA interface (claims 31 and 33) and the third wireless interface comprising a Hiperlan Wireless LAN interface (claims 29 and 34). Because these claims are directly or indirectly dependent upon independent claims 15 and 27, Applicant submits that these claims are patentable over the prior art for at least the same reasons as discussed above.

Lastly, the Examiner withdrew claims 25 and 26 from consideration on the grounds that, in the Examiner's view, the claims were directed to a non-elected invention. However, no restriction requirement was ever entered into the record. Because Applicant was never given an opportunity to make an election, it is incorrect for the Examiner to assert that any invention was "non-elected." Nevertheless, because these claims are dependent upon claim 15, which Applicant submits is allowable for the reasons discussed above, Applicant requests that these claims now be considered by the Examiner and allowed. As claims 25 and 26 both

¹ Claim 23 has also been amended to be dependent upon new independent claim 27.

require the server of claim 15, which itself is patentable over the cited prior art, Applicant submits that these claims are patentable over the prior art as well.

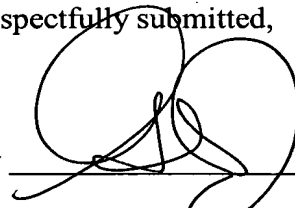
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

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